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## Planning Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 23 May 2024 from 7.00 pm - 10.25 pm.

**PRESENT:** Councillors Mike Baldock (Chair), Lloyd Bowen (Substitute for Councillor Andy Booth), Hayden Brawn, Ann Cavanagh (Substitute for Councillor Karen Watson), Shelley Cheesman (Substitute for Councillor Kieran Golding), Simon Clark, Elliott Jayes (Vice-Chair), Peter Marchington, Ben J Martin, Richard Palmer (Substitute for Councillor Paul Stephen), Julien Speed, Angie Valls and Tony Winckless.

**OFFICERS PRESENT:** Claire Attaway, Andy Byrne, Matt Duigan, Simon Greenwood, Joanne Johnson, Kellie MacKenzie, Ben Oates, Graham Parkinson and Ceri Williams.

**ALSO IN ATTENDANCE:** Councillor Charlie Miller.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillor Dolley Wooster.

**APOLOGIES:** Councillors Andy Booth, Kieran Golding, James Hall, James Hunt, Claire Martin, Paul Stephen and Karen Watson.

44 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

45 **Minutes**

The Minutes of the Meeting held on 11 April 2024 (Minute Nos. 817 – 830) were taken as read, approved and signed by the Chair as a correct record.

46 **Declarations of Interest**

Councillor Ben J Martin declared a disclosable pecuniary interest in respect of item 4.1 23/503228/FULL Cockleshell Walk Car Park, Sittingbourne as he had previously sat on the Swale Rainbow Homes Board. Councillor Martin left the meeting whilst this item was discussed.

47 **2.1 - 23/505541/REM Land between Frogal Lane & Orchard View, Lower Road, Teynham**

<b>2.1 REFERENCE NO 23/505541/REM</b>		
<b>APPLICATION PROPOSAL</b>		
Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT.		
<b>ADDRESS</b> Land Between Frogal Lane and Orchard View, Lower Road, Teynham		
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> c/o Agent

Teynham and Lynsted	Teynham	<b>AGENT</b> Chartway
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The Planning Consultant introduced the application as set out in the report. He drew attention to the tabled update from Teynham Parish Council which had been emailed to Members and added to the website. The Planning Consultant reported that one additional objection had been received raising concerns about foul water drainage.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

Julian Moat, the Applicant, spoke in support of the application.

Louise Smith, an objector, spoke against the application.

Parish Councillor Paul Townson, representing Teynham Parish Council, spoke against the application.

The Ward Members spoke against the application and raised points which included:

- Residents felt let down by the application;
- felt the applicants were “cherry-picking” what they wanted to develop;
- this did not comply with paragraph 5 of the National Planning Policy Framework (NPPF);
- contrary to Policy MU4 and the S106 legal agreement in relation to phasing;
- concerned that the employment space and health facility would not be delivered;
- the agent was not interested in providing a GP surgery;
- no housing should be approved until there were “concrete” plans for a GP surgery;
- the proposed mitigation measures in respect of traffic were not adequate;
- this would lead to an additional detrimental impact on current air quality issues;
- this would exacerbate issues with the already poor sewerage system;
- the proposed scale of the application was poor and over intensive for the area;
- this would exacerbate existing on-street parking issues;
- the application was not providing sports facilities just replacing what was already there; and
- the site had been earmarked for development for a long time, but this application added nothing to the village and was not good for existing residents.

The Chair invited Members to make comments and points raised included:

- The provision of the GP surgery was key to sustainable development;
- had a housing needs assessment been carried out?;
- Would not improve air quality in the area and would be ‘storing-up’ health problems for the future;
- where would the new residents go for health and dentistry care?;
- where would the access to the site be if the employment area was built?;
- the proposed 25 year community asset was not adequate and should be increased;
- the Parish Council should to establish a Neighbourhood Plan as they would benefit from a policy basis to support their views;

- welcomed the 33% affordable housing proposed;
- considered the design proposed was good; and
- if refused the Council would not win at any subsequent appeal.

In response to questions from Members, the Planning Consultant said that if the landowner decided they did not want to provide the employment area and wanted some other form of development they would need to apply for a change of use. There was nothing within the existing legal agreement to say that housing and the employment use had to be provided at the same time, and as such the application complied with the outline planning permission. The Planning Consultant explained that access to the employment area had been agreed at the outline stage and would be off the A2. He explained that the current application agreement did not require provision of a GP surgery and it was not possible to add a condition requiring a GP surgery to be provided.

Councillor Simon Clark moved the following motion: That the application be deferred to allow officers to look further at the road access plan for the employment area and whether the GP surgery would be provided. This was seconded by Councillor Tony Winckless.

Discussion ensued regarding whether the road access was relevant, and the proposer and seconder of the motion agreed to withdraw that from the motion.

The Vice-Chair requested that clarification on what happened to the community facilities at expiry of the S106 defined 25-year peppercorn rent term be included within the reason for deferment. A Ward Member asked that the motion to defer the application included clarity on whether the sewerage capacity would be improved and on air quality impacts. The proposer and seconder agreed to include these in their motion for deferment. On being put to the vote the motion to defer the application was agreed.

***Resolved: That application 23/505541/REM be deferred to enable officers to provide detail on: medical provision; sewerage capacity; community facilities (ie. what happened to these facilities at expiry of the S106 defined 25-year peppercorn rent term); and on air quality impacts.***

48 **2.2 - 23/504502/FULL Woodland Farm, High Oak Hill, Iwade Road, Newington**

<b>2.2 REFERENCE NO – 23/504502/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of a permanent agricultural dwelling with associated parking (Resubmission 21/504388/FULL).		
<b>ADDRESS</b> Woodland Farm, High Oak Hill, Iwade Road, Newington, Kent, ME9 7HY		
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr J Y
Hartlip, Newington and Upchurch	Newington	Stedman
		<b>AGENT</b> Mr Peter Court

The Area Planning Officer introduced the application as set out in the report. He referred to the tabled update which provided further comments from Newington Parish Council and had been emailed to Members and added to the website.

Peter Court, the Agent, spoke in support of the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

A Ward Member stated that whilst he acknowledged there was a need for a permanent agricultural dwelling, he considered there could be a suitable building within the farm curtilage that could be converted. He said that the current application could impact the setting of the nearby church.

**Resolved: That application 23/504502/FULL be approved subject to conditions (1) to (19) in the report.**

49 **2.3 - 23/504707/HYBRID Land at Lady Dane Farm, Love Lane, Faversham**

<b>2.3 REFERENCE NO – 23/504707/HYBRID</b>		
<b>APPLICATION PROPOSAL</b>		
Section 73 - Application for minor material amendment to approved plans condition 6 (To improve quality of amenity space, security and safety. To increase in the amount of independently accessible parking spaces. To revise the arrangement and distribution of house sizes and types, and to amend the design of Blocks A and B) pursuant to 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.		
<b>ADDRESS</b> Land At Lady Dane Farm, Love Lane, Faversham, Kent, ME13 8YN		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Fernham Homes operations Limited <b>AGENT</b> None

The Planning Consultant introduced the application as set out in the report. He referred to the tabled update which had been emailed to Members and added to the website.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

**Resolved: That application 23/504707/HYBRID be approved subject to conditions (1) to (49) in the report.**

50 **2.4 - 24/500740/FULL The Cottage, Frinstead Road, Milstead**

<b>2.4 REFERENCE NO – 24/500740/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Conversion of 2no. domestic outbuildings to 2no. holiday lets, including demolition of existing garage and erection of a single storey rear extension and glazed side link to		

existing stable building.		
<b>ADDRESS</b> The Cottage, Frinsted Road, Milstead, Sittingbourne, Kent, ME9 0SA		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Milstead	<b>APPLICANT</b> Mr Andrew Low <b>AGENT</b> Kingsway Planning

The Chair reported that Milstead Parish Council had withdrawn their objection to the application, and Members agreed that the item be withdrawn from the agenda.

51 **2.5 - 24/500741/LBC The Cottage, Frinstead Road, Milstead**

<b>2.5 REFERENCE NO – 24/500741/LBC</b>		
<b>APPLICATION PROPOSAL</b> Listed Building Consent for conversion of 1no. domestic outbuilding to 1no. holiday let, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building.		
<b>ADDRESS</b> The Cottage, Frinsted Road, Milstead, Sittingbourne, Kent, ME9 0SA		
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Milstead	<b>APPLICANT</b> Mr Andrew Low <b>AGENT</b> Kingsway Planning

The Chair reported that Milstead Parish Council had withdrawn their objection to the application, and Members agreed that the item be withdrawn from the agenda.

52 **2.6 - 24/500508/FULL Camwa Ash, Bull Lane, Boughton**

<b>2.6 REFERENCE NO – 24/500508/FULL</b>		
<b>APPLICATION PROPOSAL</b> Existing garage to be converted to utility room and erection of a side extension to be used as a store.		
<b>ADDRESS</b> Camwa Ash, Bull Lane, Boughton-under-Blean, Faversham, Kent, ME13 9AH		
<b>WARD</b> Boughton & Courtenay	<b>PARISH/TOWN COUNCIL</b> Boughton-under-Blean	<b>APPLICANT</b> Y Veliu <b>AGENT</b> Mr S Wilkins

This item was withdrawn from the agenda pending neighbour consultation responses.

53 **2.7 - 24/500940/FULL 4 Moonfleet Close, Sittingbourne**

<b>2.7 REFERENCE NO – 24/500940/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of existing premises from a dwelling (Class C3) to a residential care		

home (Class C2) for children with behavioural/learning difficulties.			
<b>ADDRESS</b> 4 Moonfleet Close, Sittingbourne, Kent, ME10 2BD			
<b>WARD</b> Kemsley	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Diversity Children Homes	<b>AGENT</b> Ken Judge & Associates Ltd

The Area Planning Officer introduced the application as set out in the report.

Kevin Vann, an Objector, spoke against the application.

In response to a question from the Chair regarding imposing a condition requiring that two staff members be on-duty at night, the Area Planning Officer stated that this would be regulated by Ofsted.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

The Chair invited Members to make comments and points raised included:

- Disappointed that neither of the two Councillors that had called-in the application were present at the meeting to explain their concerns;
- could solar panels be required via condition?;
- this application was no different to families that took in foster children so would not be an issue;
- children needed a home;
- whoever lived at the property would require a vehicle so it would not be possible to refuse due to additional traffic concerns;
- what was the age range of the surrounding neighbours?;
- would the size of the garden be able to accommodate three children?;
- the age range of neighbours was not a material planning consideration;
- many families had small gardens; and
- considered the fear of crime objection to be a very prejudiced view.

The Chair moved the following amendment: That a condition be imposed requiring that two members of staff remained on the site at all times. This was seconded by Councillor Lloyd Bowen. On being put to the vote the amendment was lost.

***Resolved: That application 24/500940/FULL be approved subject to conditions (1) to (4) in the report.***

54 **4.1 - 23/503228/FULL Cockleshell Walk Car Park, Sittingbourne**

**PART 4**

Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’

applications.

<b>4.1 REFERENCE NO – 23/503228/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of three buildings to provide 51no. residential dwellings (class C3) and hard and soft landscaping, cycle and car parking and associated works.		
<b>ADDRESS</b> Cockleshell Walk Car Park, St Michael’s Road, Sittingbourne, Kent, ME10 1AU		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Swale Rainbow Homes Ltd <b>AGENT</b> BPTW

The Planning Consultant introduced the application as set out in the report. He reported that one further objection had been received from a neighbouring resident raising concerns in relation to inadequate car parking, the height of the development and impacts on daylight and privacy.

Damian Milton, on behalf of the applicant, spoke in support of the application.

The Ward Member spoke against the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

The Chair invited Members to make comments and points raised included:

- Considered the design and proposed colour of the buildings were “ugly”;
- the gap between the building and the road was small, could a barrier be erected to improve safety?;
- the benefits of the application outweighed any harm;
- this was a significant improvement on the previous application;
- the lack of car parking was a concern;
- concerned about how delivery vehicles would access the rear entrance;
- concerned that no disabled parking bays were provided;
- social housing was much needed in the borough; and
- concerned that if Rainbow Homes were not a registered provider the site might not be used to provide social housing.

In response to a question, the Planning Consultant said that deliveries to the site was a management issue for the applicants and difficult to control from a planning point of view.

The Chair moved the following amendment: That an additional condition be imposed requiring the imposition of one disabled parking space. This was seconded by the Vice-Chair. On being put to the vote the amendment was agreed.

***Resolved: That application 23/503228/FULL be approved subject to conditions (1) to (36) in the report and that an additional condition be imposed requiring the imposition of one disabled parking space.***

**55 Part 5 applications****PART 5**

Decisions by County Council and Secretary of State, reported for information

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- **Item 5.1 – Hill Crest, Dully Hill, Doddington**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

- **Item 5.3 – Queens Hall Car Park Forbes Road Faversham**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.4 – 4 Oast Cottages Breach Lane Upchurch**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.5 – Eastfields Old House Lane Hartlip**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

**56 Exclusion of Press and Public**

There was no discussion on the exempt report for item 2.2 23/504502/FULL Woodland Farm, High Oak Hill, Iwade Road, Newington, and as such it was not necessary to exclude the press and public.

**57 Urgent Item - additional report for item 2.2 23/504502/FULL Woodland Farm, High Oak Hill, Iwade Road, Newington, ME9 7HY**

There was no discussion on the exempt report.

**58 Adjournment of Meeting**

The meeting was adjourned at 7.10 pm until 7.40 pm and at 9.10 pm until 9.20 pm.

**59 Extension of Standing Orders**

At 10 pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.



Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel